United Nations CRC/C/OPSC/LAO/Q/1

Convention on the Rights of the Child

Distr.: General
10 March 2015

Original: English
English, French and Spanish only

Committee on the Rights of the Child
Sixty-ninth session
18 May–5 June 2015
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by the Lao People's Democratic Republic under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 20 April 2015.

The Committee may take up any aspects of children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please provide information on the progress made towards setting up a system of data collection that covers all the offences included in the Optional Protocol. Please provide statistical data, disaggregated by sex, age, nationality, socioeconomic background and urban and rural residence, for the past three years, on the number of:

(a) Reported cases of the sale of children, child prostitution and child pornography, as well as other forms of exploitation, including child sex tourism, and information on the type of action taken in response, including the prosecution and punishment of perpetrators;

(b) Boys, including transgender boys, who have been trafficked to Thailand;

(c) Children trafficked from or through the Lao People's Democratic Republic and children trafficked within the country for the purpose of sale, prostitution, engagement in forced labour, illegal adoption, organ transfer or pornography, as defined in article 3, paragraph 1, of the Optional Protocol;

(d) Children offered, delivered or accepted, by whatever means, for the purpose of prostitution, engagement in forced labour, illegal adoption, organ transfer, pornography or marriage, with a particular focus on children from ethnic minorities;

(e) Child victims of offences under the Optional Protocol who have been given assistance with reintegration or have received compensation.

GE.15-04670 (E)
1504670

Please recycle

2. In the light of reports indicating that children from ethnic minorities are particularly vulnerable to becoming victims of forced labour and sexual abuse, please provide information on measures taken to provide special protection to those children. Please also indicate what measures are taken to provide protection to girls who are victims of domestic violence, children in street situations, migrant and refugee children, and children living in institutions, all of whom are also particularly vulnerable to offences under the Optional Protocol. Furthermore, please indicate whether any research is currently being conducted on the trafficking to Thailand of boys, including transgender boys, with a view to establishing special measures to eliminate that practice.

3. Please indicate what measures are taken to combat the root causes of the phenomena, in particular poverty, school dropout and unsafe migration practices, that lead children to fall victim to the offences under the Optional Protocol.

4. Please provide information on measures taken to raise awareness of and promote education about the offences under the Optional Protocol. In particular, please provide information on measures specifically aimed at making children aware of the harmful consequences of those offences, and on resources allocated to preventing children from falling victim to them.

5. Please comment on reports that an increasing number of Lao teenagers are recording images of themselves engaging in sexual acts on their mobile phones, and that those images are in high demand. Given that reports indicate that there is a relatively large number of cases of children uploading nude pictures of themselves online, please indicate whether any measures are currently in place or planned to disseminate information to children on safe Internet usage.

6. In the light of reports of several cases of girls, particularly from China and Viet Nam, being trafficked into the State party for prostitution, please provide detailed information on measures taken to combat that phenomenon and indicate whether there are any plans to increase cooperation with neighbouring countries in that regard. Please also provide information on measures taken to combat corruption, particularly among law enforcement personnel, including border officials.

7. Please clarify whether child sex tourism is explicitly prohibited in national legislation. In the light of reports that it is on the increase, please provide information on initiatives taken by the State party to prevent child sex tourism. Please indicate whether the State party has taken any measures to disseminate the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which is supported by the World Tourism Organization.

8. Please clarify whether all forms of the sale of children listed in article 2 (a) and article 3, paragraph 1 (a) (i) (b. and c.), of the Optional Protocol have been explicitly defined and criminalized in national legislation. Please also indicate whether there are any plans to criminalize the possession of child pornography and the commission of sexual offences via the Internet.

9. Please explain why article 128 of the Penal Law criminalizes the rape of girls only, and not that of boys, and why article 132 criminalizes the use as prostitutes of girls only, and not of boys (para. 43 of the State party's report). Please also explain why article 128 criminalizes the "rape of a girl of 15 to 18 years old, who is under one's guardianship or medical care", and not the rape of all girls.

10. Please comment on reports that there have been several cases in which child victims of trafficking have been convicted of involvement in prostitution. Please clarify whether there have been other cases in which victims of offences under the Optional Protocol have been treated as offenders instead of victims.

11. Please provide detailed information on the State party's return and reintegration programmes for victims of trafficking, and indicate what safeguards are in place to ensure that child victims of trafficking are not trafficked again.

12. With reference to paragraph 21 of the State party's report, please provide updated information on the new decree on adoption and inform the Committee of the reason for the current moratorium on intercountry adoptions. In the light of the fact that domestic adoptions are conditional solely on the approval of the village chief and the formalizing of an agreement between the biological family and the family wishing to adopt, who usually know each other, please indicate what safeguards are in place to ensure that the adoption is in the best interests of the child and does not constitute any form of sale of the child and/or place the child at risk of being trafficked. With reference to paragraph 48 (c) of the State party's report, please clarify whether it is legal for individuals and agencies to act as intermediaries in adoptions.

13. Please comment on reports that most cases of child sexual exploitation are settled through out-of-court mediation at the community level by village heads or community leaders, and that few such cases are referred to the courts. Please provide information on measures taken to increase law enforcement in that regard, including by encouraging people to report such crimes and launch formal legal proceedings. In the light of reports that the State party is currently developing a Child Mediation Decree, please indicate how far the rights under the Optional Protocol are guaranteed by the decree and whether it prescribes punishment for perpetrators that is commensurate with their crimes.